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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,968	03/21/2006	Kenneth Alan Simmen	TIP-0054-USPCT	4586
27777 7590 05/21/2009 PHILIP S. JOHNSON JOHNSON & JOHNSON ONE JOHNSON & JOHNSON PLAZA NEW BRUNSWICK, NJ 08933-7003				
EXAMINER RAO, SAVITHA M				
ART UNIT		PAPER NUMBER		
1614				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10572968	3/21/2006	SIMMEN ET AL.	TIP-0054-USPCT

EXAMINER

SAVITHA RAO

ART UNIT**PAPER**

1614

20090519

DATE MAILED:

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Commissioner for Patents

In response to the office action sent out on 11/25/2008, Applicants have sent in an amendment on 03/12/2009 which recites a distinct or independent invention from those which were originally presented.

Newly submitted claim 17-18 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims submitted on 10/17/2008 was drawn towards a compound for inhibiting HCV activity in a subject which were product claims, the newly submitted claims on 03/12/2009 are drawn towards a method of inhibiting HCV activity in a subject in need thereof by administering to a subject a therapeutically effective amount of the compound previously claimed which are method claims.

The special technical feature of claims submitted on 10/17/2008 was the compound which is a product, where as the special technical feature of the amended claims filed on 03/12/2009 is the method of inhibiting HCV in a subject by administering the compound which involves the steps of reviewing the symptoms (is it chronic or acute), understanding the underlying cause of the symptoms and analysis of the underlying physiological/biochemical cause(s) of a disease or condition , diagnosis of HCV infection, dosage determination, actual process of treatment such as administering the dosage to the patient, monitoring patient prognosis with the final outcome of curing the patient of HCV infection..

An international application should relate to only one invention or, if there is more than one invention, the inclusion of those inventions in one international application is only permitted if all inventions are so linked as to form a single general inventive concept (PCT Rule 13.1). With respect to the invention claimed in the claim set of 10/17/2008 and the amended claims of 03/16/2009, there is no special technical relationship among the two sets. The claims herein lack unity of invention under PCT rule 13.1 and 13.2 since, under 37 CFR 1.475(a).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, new claim 17-18 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAVITHA RAO whose telephone number is (571)270-5315. The examiner can normally be reached on Mon-Fri 7 am to 4 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Examiner, Art Unit 1614

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Supervisory Patent Examiner, Art Unit 1614

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